

6065-79183 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Daniel BAKER

Serial No.: 09/918,902

For: SYSTEM AND METHOD FOR
DISTRIBUTING CUSTOMER
CONTACTS

Examiner: AL AUBAIDI, Rasha S.

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) Conf. No.: 2341
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) Filed: July 31, 2001
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APPELLANT'S REPLY BRIEF ON APPEAL UNDER 37 C.F.R. 41.41

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Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir/Madam:

In response to the Examiner's Answer mailed October 14, 2010, Appellant requests consideration of the following reply.

There are no new authorities cited and no new facts relied upon.

Should there be any deficiency in fees in connection with this Appeal, the Commissioner is respectfully requested to and is hereby authorized to charge any such deficiency in fees to Deposit Account No. 23-0920.

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ARGUMENT

- A. The references do not teach preventing further assignment of exclusive contacts to an agent when an exclusive contact has already been assigned while continuing to assign non-exclusive contacts as claimed in claims 1-4, 6-20, 22-25 and 27-33

Independent claims 1, 13 and 22 recite that no additional exclusive media type contact is routed to the processing entity (e.g., agent) during the current exclusive media type contact but that the non-exclusive media type contacts may still be routed to the entity during that contact. Neither Busey nor Crowther teach or suggest contact distribution which prevents further assignment of an exclusive type to a processing entity when an exclusive type has already been assigned while still assigning non-exclusive types to that processing entity.

The Examiner's Answer concedes that Busey does not teach identifying media type as "exclusive" or "non-exclusive" (Examiner's Answer p.4, lines 15-16). Thus, it obviously cannot teach preventing assignment of exclusive contacts while it hasn't identified, or continuing to assign non-exclusive contacts which it also has not identified. The Examiner's Answer further asserts that the claimed feature of continuing to assign non-exclusive types when an exclusive type has already been assigned is well known, but cites Crowther's highest interruptability level as teaching this. However, Crowther's highest interpretability level "cannot be interrupted" as pointed out by the Examiner's Answer (p.5, lines 8-9; p.14 lines 18-19). Thus, it cannot be the claimed exclusive type which can be interpreted by non-exclusive type. Further, this disclosure of Crowther already teaches away from the claimed feature of continuing to assign non-exclusive types by not allowing any interruption of the highest interruptability level.

The Examiner's Answer concedes that neither Crowther nor Busey teach routing other non-exclusive customer contacts to the agent already assigned an exclusive contact (i.e., exclusive types may be interrupted by non-exclusive types) but asserts that Price does (Examiner's Answer p. 15, lines 11-22) by teaching multitasking. First, this is clearly contrary and incompatible with the teachings of Crowther which already requires no interruption of the highest interruptability level. Further, Price merely describes multitasking, but nowhere teaches that exclusive media types can be interrupted by non-exclusive types. The Examiner's Answer

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cites Col. 4, lines 24-45 and Col. 7, lines 30-35 of Price as disclosing agents multitasking. However, Col. 4, lines 25-45 do not describe multitasking at all but merely describes a single contact wherein a connection is established and after completion, disconnection of the session. The passage at Col. 7, lines 30-35 merely discloses multitasking, stating that an agent can multitask and can simultaneously handle multiple media types. However there is no mention in either passage of continuing routing of non-exclusive contacts to an agent already assigned an exclusive contact. Thus, there is no disclosure of this claimed feature in Price or in any of the other references, Crowther, Busey or Mears. Thus, independent claims 1, 13 and 22, and dependent claims 2-4, 6-12, 14-20, 23-25 and 27-33 are distinguishable over all cited references because none disclose this claimed feature of continuing to route non-exclusive contacts to an agent currently handling an exclusive contact.

The Examiner's Answer also asserts that the claim can be interpreted in two ways. However, the claim language (Claim 1) at issue is as follows:

“routing the customer contact to a transaction processing entity that is capable of handling the media type as a current customer contact...permitting no further customer contacts for the duration of said current customer contact by said transaction processing entity when said media type is exclusive while routing other non-exclusive customer contacts to the transaction processing entity during the current customer contact.”

The Examiner's Answer asserts that this can be interpreted to mean that the current customer contact is non-exclusive, and the other non-exclusive customer contacts are routed to the agent (Examiner's Answer, p.6, lines 3-6). However, as shown above, the claim element first calls for routing the contact...as a current customer contact; thus a current customer contact is defined. Then the claim calls for no further contacts for the duration of that same current customer contact when the media type is exclusive (thus the current contact is defined as exclusive type) while routing other non-exclusive contacts to the transaction processing entity (i.e., the same entity) during that current contact. Thus, the other non-exclusive contacts are routed during the current contact (which is exclusive) to the same entity. The claim language clearly calls for the current customer contact to be of the exclusive media type. Therefore, the

second interpretation (Examiner's Answer p.10, lines 5-7) is correct that when the current customer contact is exclusive other non-exclusive contacts are still routed to the agent during that current exclusive contact.

B. None of the references disclose identifying exclusive and non-exclusive media types as claimed in all the claims

All claims call for "determining a media type...media type determined by the access channel...identifying the media type as exclusive or non-exclusive. The Examiner's Answer asserts that Crowther teaches this feature by teaching agent priority level based on skill sets, and further asserts that the agent is associated with media type (Examiner's Answer p.5 and p.17, lines 19-22). However, even if this were true, media types based on access channel are a completely different concept from skill set of agents. The Examiner's Answer also asserts that the Examiner believes that matching agent skills to media types, or media types to agent skills are substantially the same. However, they are clearly not the same; as stated, they are opposites. Further, the claim calls for determining media type and identifying exclusive/non-exclusive media; that is simply not disclosed in Crowther regardless of the Examiner's beliefs about matching agent skill to media type. Thus, Crowther does not disclose the claimed feature of determining media types and identifying them as exclusive and non-exclusive where media type is defined by access channel.

The Examiner's Answer also asserts media types are related to agent skill sets and interpretability level. However, any such relationship assumed by the Examiner does not teach the determining of media types and identification of categories claimed. The Examiner's Answer makes a series of assumptions not taught by the references to conclude that exclusive types can be interrupted by non-exclusive types even though this is not disclosed by any of the references. Thus, all the claims are distinguishable over the cited references because none of the references teach this feature.

C. None of the references disclose determining a measure of how many customer contacts of the media type have been assigned as claimed in claims 7,8,13-25, and 27-33

Claims 7,8,13-20, 22-25 and 27-33 call for determining a metric of how many customer contacts have been assigned to the agent, and the Examiner's Answer asserts this reads on "endpoint" described at Col.11, lines 15-57 of Busey (Examiner's Answer, p.12, lines 9-11). Thus "endpoints" are merely a communication line over which information can be exchanged with a single customer. The Examiner's Answer asserts (p.19, line 19, p.20, line 3) that Busey is concerned with allowing single agent to handle more than one media type (endpoint) and quotes, "The ability to allocate multiple endpoints to a single agent help maximize agent effectiveness" at Col. 11, lines 15-27 of Busey. Even if Busey does concern allowing single agent to handle more than one media type, none of this teaches the claimed feature of determining a methric of how many contacts of a given media type have been assigned. Rather, Busey teaches assigning the call to the least busy agent using a total number of endpoints allocated regardless of media type. The asserted passage at Col. 11, lines 15-57 is devoid of any disclosure of breaking the total down in to a total for a media type. Thus, these claims are clearly distinguishable over the cited references.

D. None of the references disclose a transaction table as claimed in claims 13-21

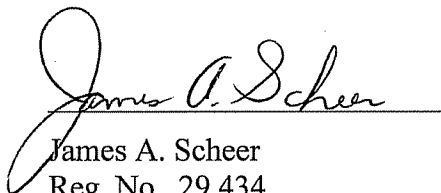
Independent claims 1, 13 and 21 call for tables not disclosed in the references. The Examiner's Answer (p.20, lines 13-17) asserts that Fig.8 of Mears is a table that reflects all media types for an agent, and allow adding and removing more media types; and that tracking media types with the table is obvious since the table reflects a number how many e-mails, voice-mails, or faxes an agent has. First, Fig. 8 of Mears is merely a window showing media types which allows an administrator to add media types to an agent profile and only shows media types (also see Col. 14, lines 37-64). There is no disclosure or suggestion of a maximum number of simultaneously handled contacts of each media type or of current assignments as called for by the claims. Nor is there any disclosure or suggestion to compare to those table values as called

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for by the claims. Thus, none of the references disclose these claimed features of a transaction table with maximum allowed contacts and current contact for each media type for transaction entity. Mears' "table" is nothing more than the list of media types linked to an agent by the Supervisor, and does not teach or suggest the claimed transaction table which has different content and a different purpose. Nor does Mears' window even suggest the use of the table set out in the claims since these features are not disclosed in any of the references. Therefore, claims 1, 13 and 21, and the claims dependent therefrom are further distinguishable and non-obvious over the cited references.

For the above reasons, the combination of the references do not teach or suggest each and every claim limitation of the pending claims. Since the combination fails to teach or suggest each and every claim limitation, the claims are distinguishable over the combination. Applicant has discussed other distinctions and arguments in Appellant's Appeal Brief and continue to assert these distinctions and arguments as well. Therefore, allowance of claims 1-33 as now presented is believed to be in order. Appellant respectfully request that the Board reverse the decision of the Examiner with regard to all pending claims.

Respectfully submitted,
Husch Blackwell Welsh Katz

A handwritten signature in black ink, reading "James A. Scheer", is written over a horizontal line.

Dated: 14 December 2010

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